

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ANTHONY BUTLER,

Plaintiff,

v.

GONZALES-MORAN,

Defendant.

No. 1:21-cv-1524-AWI-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS RECOMMENDING  
DENIAL OF PLAINTIFF'S MOTION TO  
PROCEED *IN FORMA PAUPERIS*

(Doc. Nos. 2, 8)

**TWENTY-ONE (21) DAY DEADLINE**

Plaintiff Anthony Butler is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

Plaintiff initiated this action on October 15, 2021, together with a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (Doc. Nos. 1, 2.) Plaintiff filed a prisoner trust fund account statement on October 20, 2021. (Doc. No. 6.)

On October 20, 2021, the magistrate judge issued findings and recommendations that plaintiff's application to proceed *in forma pauperis* be denied and that plaintiff be required to pay the \$402.00 filing fee in full to proceed with this action because he is able to afford the costs of this action. (Doc. No. 8.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 2.) The findings and recommendations were re-served on November 23, 2021,

1 extending the deadline to file objections for an additional fourteen (14) days after re-service.  
2 (Doc. No. 9.) No objections have been filed, and the deadline to do so has expired.

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a  
4 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
5 magistrate judge's findings and recommendations are supported by the record and proper  
6 analysis.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations issued on October 20, 2021, (Doc. No. 8), are  
9 adopted in full;
- 10 2. In accordance with 28 U.S.C. § 1915(g), plaintiff's application to proceed *in forma*  
11 *pauperis*, (Doc. No. 2), is denied; and
- 12 3. Within **twenty-one (21) days** following the date of service of this order, plaintiff  
13 shall pay the \$402.00 filing fee in full to proceed with this action; and
- 14 4. If plaintiff fails to pay the filing fee within the specified time, this action will be  
15 dismissed without further notice.

16  
17 IT IS SO ORDERED.

18 Dated: December 30, 2021

  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
SENIOR DISTRICT JUDGE